

**PATENTS** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:

09/963,827

Applicant:

Sullenger, et al.

Filed:

September 26, 2001

TC/A.AU.:

1635

Examiner:

Sean McGarry

Title:

RNA Aptamers and Methods of Identifying the Same

Docket No.:

10815.105005

Customer No.:

20786

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

## **Information Disclosure Statement**

Sir:

Pursuant to the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, Applicants cite the publications listed on the accompanying PTO-1449. Copies of listed ex-US publications and scientific references are enclosed.

The Commissioner is hereby authorized to charge any requisite fees to Deposit Account No. 11-0980.

Respectfully submitted,

Brent Bellows, Esq.

Registration No. 54,709

KING & SPALDING 1180 Peachtree Street

Atlanta, Georgia 30309

Telephone: 404-572-3541 Facsimile: 404-572-5145

## CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this Supplemental Information Disclosure, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

8-02-06

Date

Brent Hellows

type a plus sign (+) inside this box

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Complete if Known
(use as many sheets as necessary)	Application Number	09/963,827
	Filing Date	September 26, 2001
	First Named Inventor	Sullenger, et al.
	Group Art Unit	1645
	Examiner Name	Sean McGarry
Sheet 1 of 6	Attorney Docket Number	10815.105005

U.S. PATENT DOCUMENTS								
Examiner Initials *	Cite No.	U.S. Patent Document	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages/Relevant Figures Appear			
	Number Kind Code <sup>2</sup> (if known)							
	AA	5270163	Gold et al.	12-1993				
	AB	5532130	Alul	7-1996				
	AC	5534408	Green et al.	7-1996				
	AD	5552391	Coutts et al.	9-1996				
	AE	5594121	Froehler et al.	1-1997				
	AF	5606047	Coutts, et al.	2-19997				
	AG	5645985	Froehler et al.	7-1997				
	AH	5681702	Collins et al.	10-1997				
	AI	5750729	Alexander, et al.	5-1998				
	AJ	5780221	Schumacher, et al.	7-1998				
	AK	5780449	Bracht et al.	7-1998				
	AL	5780610	Collins et al.	7-1998				
	AM	5792608	Swaminathan et al.	8-1998				
	AN	5807718	Joyce et al	9-1998				
	AO	5,817,781	Swaminathan et al.	10-1998				

Examiner	<del>_</del>	Date	
Signature		Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communica tion to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control numbe

Substitute fo	or form 1449A/P	то			Com	plete if Known	
	EMENT	ON DISCLOS BY APPLIC as many sheets as nece	CANT				
			004.77	Application Number	09/9	963,827	_
				Filing Date	Sep	tember 26, 2001	
				First Named Inventor		lenger, et al.	<del>-</del>
			· · ·	Group Art Unit	164		
				Examiner Name	Sea	n McGarry	
Sheet	2	of	6	Attorney Docket Number	108	15.105005	
	BA	5,830,653		Froehler et al.		11-1998	
	BB	5,839,443		Rose		11-24-1998	
	BC	5,840,867		Toole et al.		11-1998	
	BD	5,879,917		Essigmann et al.		3-1999	<u> </u>
	BE	5,882,870		Nadeau		3-1999	
	BF	5,882,941		Essigmann et al.		3-1999	

	BC	5,840,867	Toole et al.	11-1998
	BD	5,879,917	Essigmann et al.	3-1999
	BE	5,882,870	Nadeau	3-1999
	BF	5,882,941	Essigmann et al.	3-1999
	BG	5,891,689	Takle et al.	4-1999
	BH	5,935,776	Green et al.	8-1999
	BI	5,989,823	Jayasena et al.	11-1999
	BJ	6,004,746	Brent	12-1999
	BK	6,051,388	Bodenhamer	4-2000
	BL	6,054,274	Sampson et al.	4-2000
	BM	6,060,056	Coutts et al	5-2000
	BN	6,110,462	Barbas et al.	8-2000
	ВО	6,110,721	Gibbs, et al.	8-2000
	BP	6,111,095	Benseler et al.	8-2000
	BQ	6,114,038	Castro et al.	9-2000
-	BR	6,120,997	Wong et al.	9-2000
	BS	6,127,119	Stephens et al.	10-2000
	BT	6,127,173	Eckstein et al.	10-2000
	BU	6,136,545	Hoesel et al.	10-2000

Examiner	Date
Signature	Considered

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

CJ

CK

CL

CM

6,258,601 6,315,995

6,316,403

6,391,300

7-2001

11-13-2001

11-13-2001

5-21-2002

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Application Number 09/963,827 Filing Date September 26, 2001 First Named Inventor Sullenger, et al. Group Art Unit 1645 Examiner Name Sean McGarry Attorney Docket Number Sheet 3 οf 6 10815.105005 CA 6,147,204 Gold et al. 11-2000 11-2000 CB 6,150,461 Takei et al. 11-2000 CC 6,153,410 Arnold et al. Stanley et al. CD 6,163,714 12-2000 CE .6,171,795 Korman et al. 1-2001 **CF** 6,177,263 Arnold et al. 1-2001 CG 6,177,555 Jayasena et al. 1-2001 CH Li 1-2001 6,180,348 Jayasena et al. 2-2001 CI 6,183,967

FOREIGN PATENT DOCUMENTS									
Examiner Initials *	Cite No. 1	Foreign Patent Document	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document DD-MM-YYYY	137k D-1 D				
	Office <sup>3</sup> Number Kind Code <sup>2</sup> (if known)		e <sup>2</sup>						
	CN	WO 94/006811	Integrated DNA Tech., Inc.	03-31-1994					

Monia et al.

Pinsky

Pinsky

Rose

Examiner	Date	
Signature	 Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communica tion to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO		Complete if Known
INFORMATION DISCLOSURE		
STATEMENT BY APPLICANT		
(use as many sheets as necessary)		
	Application Number	09/963,827
	Filing Date	September 26, 2001
	First Named Inventor	Sullenger, et al.
	Group Art Unit	1645
	Examiner Name	Sean McGarry
Sheet 4 of 6	Attorney Docket Number	10815.105005

	DA	WO	97/042317	T Cell Sciences, Inc.	11-13-1997
	DB	WO	99/033971	MCG Research	07-08-1999
	DC	WO	99/050462	Harvard	10-07-1999
-	DD	WO	00/020040	U. Mass.	04-13-2000
	DE	WO	00/022114	Ingene	04-20-2000
	DF	WO	00/024912	Children's Med. Center	05-04-2000
	DG	WO	00/042063	Deutsches Krebsforschungsz	07-20-2000
	DH	WO	00/042064	Deutsches Krebsforschungsz.	08-20-2000
	DI	WO	04/011680	Archemix	02-05-2004
	DJ	wo	04/014844	Transtech Pharma, Inc	02-19-2004
	DK	WO	04/047742	Archemix	06-10-2004
	DL	WO	04/050899	Archemix	06-17-2004
	DM	WO	05/010150	Archemix	02-03-2005
	DN	wo	05/014533	Transtech Pharma, Inc	02-17-2005
	DO	WO	05/052121	Archemix	06-09-2005
	DP	WO	05/084412	Archemix	09-15-2005
	DQ	WO	05/111238	Archemix	11-24-2005
	DR	WO	06/029258	Archemix	03-16-2006
	DS	wo	06/033854	Archemix	03-30-2006
	DT	EPO	1 026 243	Japan Science & Tech. Ag.	8-13-2000
	DU	JР	11127864	Japan Science & Tech. Ag.	05-18-1999

Examiner	Date	
Signature	 Considered	_

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

	Under the	e Paperwork P	Reduction	Act of 1995, no per	sons are required to respond to a collection	on of information unless it contains a valid OMB control number		
Substitute fo	ubstitute for form 1449A/PTO					Complete if Known		
INFORMATION DISCLOSURE								
STAT	EMENT B	Y APP	LICA	ANT				
	(use as m	any sheets a	is necess	sary)				
					Application Number	09/963,827		
					Filing Date	September 26, 2001		
	-				First Named Inventor	Sullenger, et al.		
					Group Art Unit	1645		
					Examiner Name	Sean McGarry		
Sheet	5	į.	of	6	Attorney Docket Number	10815.105005		

	OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
Examiner Initials *	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				
	EA	Agrawal et al. Mol. Med. Today (2000) 6:72-81				
		Aldaz-Caoll et al. Apical loop-internal loop interactions: a new RNA-RNA recognition motif identified through in vitro selection against RNA hairpins of the hepatitis C virus mRNA Biochemistry 41:5883-5893 (2002) (abst)				
		Biesecket et al. Derivation of RNA aptamer inhibitors of human complement C5' Immunopharmacology 42:219-230 (1999) (abst)				
		Boiziau et al. DNA aptamers selected against the HIV-1 trans-activation responsive RNA element form RNA-DNA kissing complexes J Biol Chem 274:12730-12737 (1999)				
		Callas et al. Comparative pharmacology of site directed antithrombin agents Implication in drug development Thrombosis and haemostasis (1995) 74:473-481(abst)				
		Charlton et al. <i>IN vivo imaging of inflammation using an aptamer inhibitor of human neutrophil elastase</i> CHem. Biol. 4:809-816 (1997) (abst)				
		Collin et al. NMR characterization of a kissing complex formed between the TAR RNA element of HIV-1 and a DNA aptamer Nucl. Ac. Rsch. 28:3386-3391 (2000)				
		Darfeuille et al. RNA and N3'-P5' kissing aptamers targeted to the trans-activation responsive (TAR) RNA of the human immunodeficiency virus-1 Nucs Nuc. Nuc. Ac. 20:441-449 (2001) (abst.)				

T		b - 4	
Examiner		Date	
		F	
Ciamakuma		C1	I .
Signature		Considered	ì
		55115155155	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communica tion to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

	Under the	e Paperwork Re	duction .	Act of 1995, no persons a	re required to respond to a collection	n of information unless it contains a valid OMB control number
Substitute fo	Substitute for form 1449A/PTO					Complete if Known
INFO	RMATION	DISCL	COST	J <b>RE</b>		
STATEMENT BY APPLICANT			NT			
	(use as m	any sheets as	necesso	ary)		
		-			Application Number	09/963,827
					Filing Date	September 26, 2001
		-			First Named Inventor	Sullenger, et al.
			_		Group Art Unit	1645
					Examiner Name	Sean McGarry
Sheet	6	of	f	6	Attorney Docket Number	10815.105005

FA	Duconge et al. Is closing "GA PAI" a rule for stable loop-loop RNA complexes? J. Biol. Chem 275:21287-21294 (2000)
FB	Gal et al. Selection of a RNA aptamer that binds to human activated protein C and inhibits its protease function Eropean J. Biochem. 252:553-562 (1998) (abst)
FC	Hwang et al. Inhibition of gene expression in human cells through small molecule -RNA interactions PNAS 96:12977 (1999)
FD	Jen et al. (2000) Stem Cells 18:307-319
FE	Leva et al. GnRH binding RNA and DNA Spiegelmers A novel approach toward GnRH antagonism Chemistry & Biology 8:351-359 (2002)
FF	Li et al. A novel nucleotide based thrombin inhibitor inhibits clot bound thrombin and reduces arterial platelet thrombus formation Blood 83:677-682 (1994) (abst)
FG	Opalinska, et al. Nature Reviews Drug Discovery (2002) 1:503-514
FH	Padmanabhan et al. The structure of alpha thrombin inhibited by a 15mer single stranded DNA aptamer JBC (1993) (abst) 268:17651-17654
FI	Rusconi, et al. RNA aptamers as reversible antagonists of coagulation Factor IXa Nature (2002) 419:90-94
FJ	Shaw et al. A novel oligodeoxynucleotide inhibitor of thrombin 1. In vitro metabolic stability in plasma and seum Pharm. Rsch. 12:1937-1942 (1995) (abst)
FK	Tasset et al. Oligonucleotide inhibitors of human thrombin that bind distinct epitopes J. Molecular Biol. 272:688-698 (1997) (abst)
FL	Tinevez et al. Selective inhibition of cell-free translation by oligonucleotides targeted to a mRNA hairpin structure Nucl. Ac. Rsch. (1998) 26:2273-2278

Examiner	Date	
Signature	Considered	<u> </u>

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute fo	or form 1449A/PTO				Complete if Known	
	RMATION I EMENT BY					
	(use as many	sheets as nece	ssary)	Application Number	09/963,827	
			·	Filing Date	September 26, 2001	
				First Named Inventor	Sullenger, et al.	
				Group Art Unit	1645	
	,			Examiner Name	Sean McGarry	
Sheet	7	of	6	Attorney Docket Number	10815.105005	

G.A	Tucker, et al. Detection and plasma pharmacokinetics of an anti-vascular endothelial growth factor oligonucleotide aptamer in (NX1838) rhesus monkeys J. Chromatography 732:203-212 (1999)
GE	Wahlestedt, et al. Potent and nontoxic antisense oligonucleotides containing locked nucleic acids PNAS (2000) 97:5633-5638
GC	Williams et al. Bioactive and nuclease resistant L-DNA ligand of vasopressin PNAS (1997) 94:11285-11290

Examiner	Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.